

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FRED CORTLAND PROCTOR, et. al.,

Plaintiffs,

vs.

L. APPEGATE, et al.,

Defendants.

Case No. 07-12414

Paul D. Borman
United States District Judge

Michael Hluchaniuk
United States Magistrate Judge

ORDER

(1) DENYING CERTIFICATE OF APPEALABILITY UNDER 28 U.S.C. § 1292(b)
and (2) DENYING MOTION FOR STAY OF PROCEEDINGS

On October 19, 2009, Plaintiffs filed an Application for Leave to File Interlocutory Appeal (Dkt. No. 208), seeking to appeal this Court's September 30, 2009 Opinion and Order (1) Adopting the Magistrate Judge's Amended Report and Recommendation; (2) Denying Plaintiffs' Objections to the Magistrate Judge's Amended Report and Recommendation; (3) Granting in Part and Denying in Part Defendants' Motions to Dismiss; and (4) Ordering Severance of Certain Claims and Permitting Certain Plaintiffs to File Amended Complaints. (Dkt. No. 202.) Plaintiffs simultaneously filed, on October 19, 2009, Motion to Stay Proceedings. (Dkt. No. 207.) The Court DENIES certification under 28 U.S.C. § 1292(b), as an appeal would be frivolous and would not materially advance the litigation. The Court DENIES Plaintiffs' Motion to Stay Proceedings.

IT IS SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: December 29, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on December 29, 2009.

s/Denise Goodine

Case Manager